



Senate

General Assembly

File No. 566

January Session, 2011

Substitute Senate Bill No. 982

Senate, April 18, 2011

The Committee on Judiciary reported through SEN. COLEMAN of the 2nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING A PILOT TRUANCY CLINIC IN WATERBURY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) The Probate Court
2 Administrator may, within available appropriations, establish a pilot
3 truancy clinic within the regional children's probate court for the
4 district of Waterbury. The administrative judge of the regional
5 children's probate court for the district of Waterbury shall administer
6 the truancy clinic.

7 (b) The principal of any elementary or middle school in the
8 Waterbury school district, or the principal's designee, may refer to the
9 truancy clinic a parent or guardian with a child enrolled in such school
10 who is a truant, as defined in section 10-198a of the general statutes, or
11 at risk of becoming a truant. Upon receiving such referral, the truancy
12 clinic shall prepare a citation and summons for the parent or guardian
13 of the child to appear at the clinic. An attendance officer authorized
14 pursuant to section 10-199 of the general statutes, or an officer
15 authorized pursuant to section 10-200 of the general statutes, shall

16 deliver the citation, summons and a copy of the referral to the parent
17 or guardian.

18 (c) The administrative judge of the regional children's probate court
19 for the district of Waterbury may refer any matter referred to the
20 truancy clinic to a probate magistrate or attorney probate referee
21 assigned by the Probate Court Administrator pursuant to section 45a-
22 123a of the general statutes to hear the matter.

23 (d) The truancy clinic shall operate for the purpose of identifying
24 and resolving the cause of a child's truancy using nonpunitive
25 procedures. The participation of a parent or guardian in the truancy
26 clinic shall be voluntary. The truancy clinic shall establish protocols for
27 clinic participation and shall establish programs and relationships with
28 schools, individuals, public and private agencies, and other
29 organizations to provide services and support for parents, guardians
30 and children participating in the clinic.

31 (e) The Probate Court Administrator shall establish policies and
32 procedures to implement the truancy clinic and measure the clinic's
33 effectiveness.

34 (f) Not later than September 1, 2012, and annually thereafter, the
35 administrative judge of the regional children's probate court for the
36 district of Waterbury shall file a report with the Probate Court
37 Administrator assessing the truancy clinic's effectiveness.

38 (g) Not later than January 1, 2015, the Probate Court Administrator
39 shall submit, in accordance with section 11-4a of the general statutes, a
40 report assessing the effectiveness of the truancy clinic to the joint
41 standing committees of the General Assembly having cognizance of
42 matters relating to the judiciary and education.

43 Sec. 2. Section 45a-123 of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective from passage*):

45 (a) (1) In any matter pending in any court of probate, except an
46 involuntary patient matter or involuntary commitment matter under

47 chapter 319i, a temporary custody matter under part II of chapter 802h,
48 or an involuntary representation matter under part IV of chapter 802h,
49 the court may refer the matter, with the consent of the parties or their
50 attorneys, to a probate magistrate or attorney probate referee assigned
51 by the Probate Court Administrator pursuant to section 45a-123a to
52 hear the matter.

53 (2) The probate magistrate or attorney probate referee to whom the
54 matter is referred shall hear the matter and file a report with the court
55 on his or her findings of fact and conclusions drawn therefrom not
56 later than sixty days after the conclusion of such hearing. The probate
57 magistrate or attorney probate referee may file an amendment to the
58 report with the court prior to the date the court accepts, modifies or
59 rejects the report pursuant to subdivision (4) of this subsection. Upon
60 the filing of any report or amendment to a report under this
61 subdivision, the probate clerk shall provide a copy of the report or
62 amendment to the report to the parties and their attorneys.

63 (3) Any party aggrieved by a finding of fact or a conclusion drawn
64 therefrom in a report or amendment to a report may file an objection
65 with the court not later than twenty-one days after the date the report
66 was filed pursuant to subdivision (2) of this subsection.

67 (4) At least twenty-one days after a report is filed pursuant to
68 subdivision (2) of this subsection, the court shall hold a hearing on the
69 report and any amendment to the report or objection filed pursuant to
70 this subsection. Not later than thirty days after the conclusion of a
71 hearing under this subdivision, the court shall determine whether to
72 accept, modify or reject the report or any amendment to the report. If
73 the court finds that the probate magistrate or attorney probate referee
74 has materially erred in his or her findings or conclusions in such report
75 or amendment or that there are other sufficient reasons why the report
76 or amendment should not be accepted, the court shall, in the court's
77 discretion, modify or reject the report or amendment. If the court
78 rejects the report and any amendment to the report, the court may hear
79 and determine the matter or refer the matter to a different probate

80 magistrate or attorney probate referee assigned by the Probate Court
 81 Administrator pursuant to section 45a-123a to hear the matter and
 82 report his or her findings of fact and conclusions drawn therefrom in
 83 accordance with subdivision (2) of this subsection, provided the parties
 84 or their attorneys consent to such referral. If the court accepts or
 85 modifies the report or amendment, the court shall issue a decree.

86 (5) The court shall give notice to the parties and their attorneys of
 87 the time and place of any hearing under this subsection.

88 (b) A probate magistrate or attorney probate referee assigned by the
 89 Probate Court Administrator pursuant to section 45a-123a may hear
 90 any matter referred to such probate magistrate or attorney probate
 91 referee by the truancy clinic established in section 1 of this act.

92 [(b)] (c) Each probate magistrate and attorney probate referee shall
 93 be sworn to faithfully perform the duties of a probate magistrate or
 94 attorney probate referee, as the case may be, and shall have all the
 95 powers conferred by law upon judges of probate for procuring the
 96 attendance of witnesses and for punishing for contempt.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	45a-123

KID *Joint Favorable Subst. C/R*

JUD

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill codifies the operations of a pilot truancy clinic in Waterbury and will not result in a fiscal impact to the City of Waterbury or the Office of the Probate Court Administrator.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 982*****AN ACT CONCERNING A PILOT TRUANCY CLINIC IN WATERBURY.*****SUMMARY:**

This bill gives statutory authorization for the probate court administrator to establish a pilot truancy clinic in Waterbury, within available appropriations. The Waterbury Regional Children's Probate Court administrative judge must administer the clinic. The purpose of the clinic is to identify and resolve the systemic causes of school absenteeism using nonpunitive procedures.

The bill requires the truancy clinic to establish participation protocols and programs and relationships with schools and other individuals and organizations in the community to provide support services to clinic participants.

The probate court administrator must establish implementation policies and procedures and measure effectiveness. The clinic administrator must report to the probate court administrator, by September 1, 2012 and annually after that, on the clinic's effectiveness. By January 1, 2015, the probate court administrator must report on the clinic's effectiveness to the Judiciary and Education committees.

The bill also authorizes probate magistrates or attorney probate referees to conduct truancy clinics that the administrative judge refers to them (see BACKGROUND).

EFFECTIVE DATE: Upon passage

TRUANCY CLINIC PROCESS

Under the bill, an elementary or middle school principal or designee

can refer the parent or guardian of a truant child, or one at risk of becoming a truant, to the truancy clinic. The school attendance officer or a police officer in the case of a habitual truant must deliver a copy of the school's referral and the court's citation and summons to appear. A parent's or guardian's participation is voluntary.

BACKGROUND

Waterbury Truancy Clinic

Since 2008, the Waterbury Regional Children's Probate Court and the Waterbury Public Schools have jointly operated voluntary truancy clinics for elementary school children and their parents. The truancy clinic is a non-judicial, voluntary, nonpunitive proceeding involving the parent or guardian of a student who is truant or at risk of being truant.

In a group setting at the child's school, the judge addresses the parents or guardians who received the citation and summons to attend the clinic. Parents are informed of the school's attendance policies and return the following week to meet individually with the judge to discuss and agree to participate. A third stage of the proceeding includes review meetings with the judge that continue for a 12-month period.

Truant

A truant is a child age five to 18, enrolled in a public or private school, who has four unexcused absences from school in any one month or 10 in a school year (CGS § 10-198a). A habitual truant has 20 unexcused absences in a school year (CGS § 10-200).

Probate Magistrates and Attorney Probate Referees

The positions of probate magistrate and attorney probate referee were created in the probate court reform legislation enacted in 2009 (PA 09-114). The probate court administrator nominates individuals who qualify to be probate magistrates and attorney probate referees for the Supreme Court chief justice's consideration and appointment. They serve three-year terms.

A probate magistrate must be a former probate judge, less than 70 years of age, not receiving retirement benefits due to a permanent and total disability, and a Connecticut elector. A probate magistrate is paid and hears matters authorized by law.

To be considered for nomination as an attorney probate referee, a person must have been licensed to practice law in Connecticut and in good standing for at least five years, a Connecticut elector, and under 70 years old. The attorney probate referee hears matters referred by probate court judges and is unpaid.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 12 Nay 0 (03/03/2011)

Judiciary Committee

Joint Favorable

Yea 41 Nay 0 (04/05/2011)